

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CIV. 09-5049-JLV
)	
Plaintiff,)	
)	
vs.)	
)	
BLACK HILLS TREE FARM, a)	ORDER OF DISMISSAL
South Dakota General)	WITHOUT PREJUDICE
Partnership;)	
JERRY G. ROSETH;)	
LUETTA A. ROSETH;)	
CARRIE M. ROSETH, n/k/a)	
CARRIE M. LURZ;)	
PAULETTE A. COMBS, n/k/a)	
PAULETTE A. ROSETH;)	
JOHN M. COMBS;)	
WESTERN HILLS TREE FARM;)	
DONALD R. BURNS;)	
PHILIP MOTOR, INC., a South)	
Dakota Corporation;)	
DAKOTA AUTO SUPPLY, a South)	
Dakota Corporation; and)	
BADGER TREE MOVERS, L.L.C.,)	
a Colorado Limited Liability)	
Company,)	
)	
Defendants.)	

Counsel informally advised the court the case is resolved and the settlement documents are being circulated for signatures of all parties. Accordingly, it is hereby

ORDERED that the second amended complaint (Docket 51) is dismissed without prejudice and without an award or assessment of costs.

IT IS FURTHER ORDERED that the court retains jurisdiction for purposes of accepting the parties' settlement agreement and for such other action as may be appropriate.

Dated September 25, 2012.

BY THE COURT:

/s/ Jeffrey L. Viken

JEFFREY L. VIKEN

UNITED STATES DISTRICT JUDGE